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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

DAVID ANTHONY GRAJEDA,

Defendant and Appellant.

B291612

(Los Angeles County  
Super. Ct. No. MA072363)

APPEAL from a judgment of the Superior Court of Los Angeles County, Kathleen Blanchard, Judge. Affirmed.

Laurel Ellis Simmons, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

David Grajeda appeals from the judgment entered following his no contest plea and subsequent probation violation. His counsel filed an opening brief that raised no issues and requested independent review of the record pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).

On December 13, 2018, we sent appellant a letter informing him of the nature of the brief that had been filed and advising him that he had 30 days to file a supplemental brief setting forth issues he wished this court to consider. Appellant has not filed a response with the court.

I. *Background*

The prosecution presented the following evidence at the preliminary hearing: On June 19, 2017, Nelson V.<sup>1</sup> parked his silver Acura in a ride share area from 4:30 a.m. to 5:30 p.m. Nelson testified that he locked the car when he parked it that morning. When he returned, he saw appellant standing next to the driver's side of his car, trying to open the door. By the time Nelson reached the car, appellant was inside. Appellant was sitting in the driver's seat, holding keys, leaning toward the ignition on the steering column. Nelson and a few of his co-workers grabbed appellant and held him down, while someone called the police.

Deputy Adam Wright, from the Los Angeles County Sheriff's Department, testified that he responded to the location and saw several people pinning appellant against the car. He detained appellant and read him his *Miranda*<sup>2</sup> rights. Appellant waived his rights and stated that he was walking by the vehicle, saw a quarter inside the car, and wanted to use the quarter to buy some water. Appellant told Wright that he opened the driver's

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<sup>1</sup> Pursuant to California Rules of Court, rule 8.90 (b)(4), we refer to the victim in this case by first name to protect his privacy. No disrespect is intended.

<sup>2</sup> *Miranda v. Arizona* (1966) 384 U.S. 436.

side door, which was unlocked, and entered the car, when the victim ran over, punched him multiple times in the face, and detained him. Wright recovered about ten keys from the vehicle; he testified they belonged to appellant.

On February 16, 2018, appellant was charged by information with one count of attempted grand theft of an automobile (Pen. Code, § 664/487, subd. (d)(1); count one)<sup>3</sup> and one count of second degree burglary of a vehicle (§ 459; count two). He pled no contest to count two, the burglary. He was sentenced to five years of formal probation, with 180 days of county jail and 30 days of community labor, with imposition of sentence suspended. Count one was dismissed pursuant to the plea.

Appellant failed to report to probation. In June 2018, he was arrested on two new misdemeanors. On July 2, 2018, he waived his right to a probation violation hearing and admitted the probation violation. The prosecution dismissed the two new misdemeanor charges. The court terminated probation on the burglary case and sentenced appellant to the mid-term of two years.

Appellant timely appealed.

## II. *Wende review*

We have independently reviewed the entire record. We are satisfied that no arguable issues exist and appellant has received effective appellate review of the judgment entered against him. (*Smith v. Robbins* (2000) 528 U.S. 259, 277-279; *People v. Kelly* (2006) 40 Cal. 4th 106, 123-124.)

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<sup>3</sup>All further statutory references herein are to the Penal Code unless otherwise indicated.

**DISPOSITION**

The judgment is affirmed.

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COLLINS, J.

We concur:

MANELLA, P. J.

WILLHITE, J.